



U.S. Department  
of Transportation  
**Research and  
Special Programs  
Administration**

400 Seventh St., S.W.  
Washington, D.C. 20590

SEP 30 2003

Mr. Christian W. Solum  
Hazardous Material Shipping Advisor  
Westinghouse Savannah River Company  
Building 716-2A, Rm. 103  
Aiken, SC 29808

RefNo. 03-0210

Dear Mr. Solum:

This is in response to your August 18, 2003 letter, requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to shipper's certification. Specifically, you ask if the Generator's Certification statement as found on the Uniform Hazardous Waste Manifest can be used in lieu of the shipper's certification statement as found in § 172.204 of the HMR.

The answer is no. In accordance with § 172.204, except as provided in paragraphs (b) and (c), each person who offers a hazardous material for transportation must certify that the material is offered for transportation in accordance with the HMR by printing on the shipping paper the certification contained in paragraph (a)(1) of § 172.204 of this section or the certification (declaration) contained in paragraph (a)(2).

I hope this satisfies your inquiry.

Sincerely,

Susan Gorsky  
Senior Transportation Regulations Specialist  
Office of Hazardous Materials Standards



030210

172.204

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Aiken, SC 29808



Foster  
§ 172.205(h)  
Shipping Paper  
03-0210

OBU-TRA-00007

August 18, 2003

Office of Hazardous Materials Standards  
Research and Special Programs Administration  
Attn: DHM-10, U.S. Department Of Transportation  
400 7<sup>th</sup> Street SW  
Washington, DC 20590-0001

#### SHIPPER'S CERTIFICATION INTERPRETATION / CLARIFICATION REQUEST

Clarification is requested on the authorization of 49 CFR 172.205(h) for use of the hazardous waste manifest as a shipping paper.

49 CFR 172.205(h) allows for the use of a hazardous waste manifest, required by 40 CFR Part 262, as a shipping paper. This authorization is contingent upon the hazardous waste manifest containing all of the information required by 49 CFR subpart C of Part 172. According to 172.204 and DOT letters of interpretation, the Shipper's Certification statement of 172.204 is part of the required information. Except for paragraphs (b) and (c) of 172.204, there are only two shipper certification statements that may be utilized. These shipper certification statements and their allow variations are 172.204(a)(1) and 172.204(a)(2).

The hazardous waste manifest, located in Appendix to Part 262, depicts a Uniform Hazardous Waste Manifest containing a "Generator's Certification" in Item 16 which is similar to the two shipper certification statements allowed by 49 CFR 172.204(a)(1) and 172.204(a)(2). The statement noted as Item 16, Generator's Certification in the Appendix to 40 CFR Part 262 reads as follows:

"I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international government regulations."

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The shipper certification statement in 49 CFR 172.204, which is most similar to the Generator's Certification statement, is 172.204(a)(2) and reads as follows:

"I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name and are classified, packaged, marked and labelled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations."

The two statements are shown below with the authorized words of 172.204(a)(2) bolded and the wording utilized in the Generators Statement, which does not comply with 172.204(a)(2) struck through to indicate the differences:

"I hereby declare that the contents of this consignment are fully and accurately described above by **the** proper shipping name and are classified, ~~packed~~, **packaged**, marked, and ~~labeled~~, **labelled/placarded**, and are in all respects in proper condition for transport ~~by highway~~ according to applicable international **and national government** governmental regulations."

DOT letter of interpretation, Ref. No. 01-0105 and a subsequent e-mail clarification on said letter received June 11, 2003 indicates, except as authorized, deviations from the Shipper's Certification statements are not allowed. In regards to this position, I am formally requesting a interpretation as to the acceptability of the Generator's Certification statement on the Uniform Hazardous Waste Manifest as depicted in the Appendix to 40 CFR Part 262 for utilization and compliance with the Shipper's Certification requirements of 49 CFR 172.204.

Respectfully,

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